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Dear Senator Pell:

I have been asked to reply to your letter of September 9 to Secretary Muskie concerning the current situation in Korea.

We share your concern about the course of political developments in Korea and about the treatment of its political prisoners. We have repeatedly made those concerns known to the Korean leadership and to President Chun personally. We do not support military dictatorship and have consistently done everything possible to urge the Korean leadership to move in directions that will increasingly allow greater participation by the Korean people in the political process. We do not believe that the present leadership there misunderstands United States firmness in this regard. We have also expressed our concern at appropriate levels of the Korean Government about recent distortions of remarks by U.S. officials in the Korean press.

The United States Government has followed the Kim Dae Jung trial with intense interest and deep concern and the Korean Government is fully aware of our views on it. A representative of the Department's Legal Advisory staff attended the trial as an observer. As we have stated publicly, we have strong feelings about the extreme verdict which was handed down and which is at present under judicial review. We believe, however, that additional comment would serve no useful purpose at this time. You may be assured, however, that our concern on this matter is of a continuing nature.

In the review process, all defendants have the right to appeal the verdicts just rendered. The first level of review is an appellate court martial, which can have elements of a second trial. The verdict of the appellate court martial is then reviewed by the martial law commander, who has the power to commute sentences. Since the present case involves civilians, they then also have the right of appeal to the Supreme Court. The Supreme Court does not hold public sessions, but holds an appellate review of the law and the handling of the case by the court martial and appellate jurisdictions. There is no time limit for a Supreme Court

The Honorable
Claiborne Pell,
United States Senate.

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review, and in the past this has often taken some time. Following a Supreme Court decision, any death verdict must be confirmed by President Chun, who also has the power of commutation. In short, we would infer that it may be many weeks before the final outcome in this case is determined.

We appreciate the opportunity to exchange views with you on this important subject and can assure you that we remain actively interested not only in the improvement of the current political situation in Korea but the human rights issues as well.

Sincerely,

J. Brian Atwood
Assistant Secretary
for Congressional Relations

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